

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Cash, et al

Civil Action No. 04-1648

versus

Judge Tucker L. Melançon

Unocal Corp., et al

Magistrate Judge C. Michael Hill

MEMORANDUM RULING

Before the Court is a Motion for Summary Judgment filed by defendant and cross-claim plaintiff Max Welders, Inc. (“Max Welders”) [Rec. Doc. 111] against Shaw Global Energy Services, Inc. (“Shaw Global”), and Shaw Global’s opposition thereto [Rec. Doc. 73]. On July 1, 2008, the Court issued a memorandum ruling and judgment which addressed the issues raised in a motion for summary judgment filed by Lytal Enterprises, Inc. (“Lytal”). *R. 117; 118*. Lytal’s motion was identical to Max Welders’ motion which is presently before the Court. *R. 62*. Max Welders’ motion would have been addressed concurrently with Lytal’s motion, however, the Court erroneously believed that Max Welders, Inc. had been voluntarily dismissed by the parties to this action, *R. 115*.¹ Upon coming to the Court’s attention that Max Welders Holding Company was voluntarily dismissed and Max Welders, Inc. remains a party to this action, the Court will deny Max Welders’ motion for summary

¹ The Court indicated in Footnote 1 of the memorandum ruling that Max Welders had been voluntarily dismissed, and therefore Max Welders’ motion was moot. *R. 118*.

judgment as follows:

Applying the principles set out in the Court's July 1, 2008 Memorandum Ruling on Lytal Enterprises, Inc.'s motion for summary judgment, *R. 117*, which is identical to the motion *sub judice*, the Court concludes that the Unocal/Shaw Global MSC is non-maritime in nature and Louisiana law applies. As Max Welder's defense and indemnity claims are expressly precluded by provisions of the LOAIA, Max Welder's motion for summary judgment against Shaw Global must be denied.